

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
By: JOHN D. CLOPPER
SARAH E. LIGHT
Assistant United States Attorneys
86 Chambers Street, 3rd Floor
New York, New York 10007
Tel.: (212) 637-2716/2774
Fax: (212) 637-0033

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X-----

YEMISI AKINYEMI,	:	
	:	
Plaintiff,	:	
	:	ECF Case
v.	:	
	:	
MICHAEL CHERTOFF, SECRETARY,	:	
DEPARTMENT OF HOMELAND	:	
SECURITY,	:	DECLARATION OF
	:	
Defendant.	:	
	:	

-----X-----

JOHN D. CLOPPER makes the following declaration pursuant to 28 U.S.C. § 1746:

1. I am an Assistant United States Attorney in the Office of Michael J. Garcia, United States Attorney for the Southern District of New York, attorney for the defendant Michael Chertoff, Secretary, Department of Homeland Security.

2. Judgment was granted by this Court in defendant's favor after a four-day trial by jury verdict on July 31, 2008.
3. Judgment was entered on July 31, 2008.

4. Civil Rule 54.1(c)(1) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York allows for taxation of costs "any part of the original trial transcript that was necessarily obtained for use in this court."

5. During the course of the case, Judge Peck requested that the parties obtain transcripts of all hearings conducted in the case.

6. Attached hereto as Exhibit A are true and correct copies of invoices from Southern District Court Reports P.C. for the trial transcripts of this action. The total cost of the those transcripts is \$6,444.36.

7. Local Civil Rule 54.1(c)(2) also allows taxation of costs for the "original transcript of a deposition, plus one copy . . . if the deposition was used or received in evidence at the trial, whether or not it was read in its entirety."

8. The transcripts of the depositions of the following witnesses were used at the trial of this case: Yemisi Akinyemi, Akintunde Seweje, and Bishop Joseph Adedeji.

9. Attached hereto as Exhibit B is a true and correct copy of an invoice from Ralph Fink & Associates, Inc. ("RFA") for the transcript of the Akinyemi deposition, taken on September 12, 2007. The invoice is in the total amount of \$1,088.51, of which \$990.15 reflects the cost of the original transcript and two copies.

10. Attached hereto and Exhibit C is a true and correct copy of an invoice from RFA for the transcript of the Seweje deposition, taken on November 16, 2007. The invoice is in the total amount of \$227.55, which reflects the cost of the original transcript and two copies.

11. Also included in Exhibit C is a true and correct copy of an invoice from RFA for the transcript of the Adedeji deposition, taken on November 16, 2007. The invoice is in the amount of \$338.25, which reflects the cost of the original transcript and two copies.

12. Attached hereto as Exhibit D is a true and correct copy of an electronic message from Jeannette Erickson, Administrator at RFA, stating that the charge for the original transcript of a deposition plus one copy is the same as for an original plus two copies.

13. Accordingly, the total taxable costs incurred for deposition transcripts in this case are \$1,555.95.

14. The total taxable costs incurred by defendant in this action are \$8,000.31.

15. The foregoing costs are allowable by law pursuant to Rule 54(d) of the Federal Rules of Civil Procedure and Local Rule 54.1 of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, are correctly stated, and were necessarily incurred in this action, and the services for which fees have been charged were actually and necessarily performed.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
August 25, 2008

MICHAEL J. GARCIA
United States Attorney

By: /s/ John Clopper
JOHN D. CLOPPER
SARAH E. LIGHT
Assistant United States Attorneys
86 Chambers Street
New York, New York 10007
Telephone: (212) 637-2716/2774
Facsimile: (212) 637-0033
john.clopper@usdoj.gov
sarah.light@usdoj.gov

ATTACHMENT A

Standard Form 1004 Revised October 1987 Department of the Treasury 77 FRM 4-2000 1024-121		PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL			VOUCHER NO.	
U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION UNITED STATES ATTORNEY DEPARTMENT OF JUSTICE NEW YORK, NY 10007		DATE VOUCHER PREPARED 08/04/2008		SCHEDULE NO.		
		CONTRACT NUMBER AND DATE 0109267-IN		PAID BY		
		REQUISITION NUMBER AND DATE				
PAYEE'S NAME AND ADDRESS ID# 13-2775946 SOUTHERN DISTRICT REPORTERS, P.C. 500 PEARL STREET NEW YORK, NY 10007				DATE INVOICE RECEIVED		
				DISCOUNT TERMS		
				PAYEE'S ACCOUNT NUMBER		
ORDER # 73693		CASE # 07CV04048	GOVERNMENT B/L NUMBER			
SHIPPED FROM		TO	WEIGHT			
NUMBER AND DATE OF ORDER	DATE OF DELIVERY OR SERVICE	ARTICLES OR SERVICES (Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)	QUAN- TITY	UNIT PRICE		AMOUNT (\$)
				COST	PER	
		YEMISI AKINYEMI V MICHAEL CHERTOFF, SECY Original MINU	182 182	7.98 1.20	PGES PGES	1,452.36 218.40
PICK UP		DATE OF PROCEEDINGS 7/28/2008 TO 7/28/2008 NIGHT GOVERNMENT ONLY				
(Use continuation sheets if necessary)		(Payee must NOT use the space below)				TOTAL
PAYMENT: <input type="checkbox"/> PROVISIONAL <input type="checkbox"/> COMPLETE <input type="checkbox"/> PARTIAL <input type="checkbox"/> FINAL <input type="checkbox"/> PROGRESS <input type="checkbox"/> ADVANCE	APPROVED FOR		EXCHANGE RATE	DIFFERENCES		1,670.76
	BY ² AUSA		\$31.00			
	TITLE John Chopper			Amount verified; corrected for (Signature or initials)		
	Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment.					
(Date)		(Authorized Certifying Officer) ³		(Title)		
ACCOUNTING CLASSIFICATION						
A1540322 IE4054 2510		1,670.76				
CHECK NUMBER		ON ACCOUNT OF U.S. TREASURY		CHECK NUMBER	ON (Name of bank)	
CASH \$		DATE		PAYEE ³		
When stated in foreign currency, insert name of currency.				PER		
If the authority to certify and authority to approve are combined in one person, one signature only is necessary; otherwise the certifying officer will sign in the space provided, over his official title.				TITLE		
A voucher is received in the name of a company or corporation, the name of the person writing the company or corporate well as the capacity in which he signs, must appear. For example: "John Doe Company, per John Smith, Secretary" or as the case may be.						
1. U.S. edition usable						

NSN 7540-00-900-2234

PRIVACY ACT STATEMENT

The information requested on this form is required under the provisions of 31 U.S.C. 82b and 82c, for the purpose of disbursing Federal money. The information requested is to identify the particular creditor and the amounts to be paid. Failure to furnish this information will hinder discharge of the payment obligation.

Standard Form 1034
Revised October 1987
Department of the Treasury
1 TPS 4-2000
1034-121

PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL

VOUCHER NO.

U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION

DATE VOUCHER PREPARED

SCHEDULE NO.

UNITED STATES ATTORNEY
DEPARTMENT OF JUSTICE
NEW YORK, NY 10007

CONTRACT NUMBER AND DATE

PAID BY

REQUISITION NUMBER AND DATE

PAYEE'S
NAME
AND
ADDRESS

ID# 13-2775946
SOUTHERN DISTRICT REPORTERS, P.C.
500 PEARL STREET
NEW YORK, NY 10007

73694
ORDER #

CASE #

07CV04048

DATE INVOICE RECEIVED

DISCOUNT TERMS

PAYEE'S ACCOUNT NUMBER

SHIPPED FROM

TO

WEIGHT

GOVERNMENT B/L NUMBER

NUMBER AND DATE OF ORDER	DATE OF DELIVERY OR SERVICE	ARTICLES OR SERVICES (Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)	QUAN- TITY	UNIT PRICE		AMOUNT (¹)
				COST	PER	
		YEMISI AKINYEMI V MICHAEL CHERTOFF, SECY Original MINU	238 238	7.98 1.20	PGES PGES	1,899.24 285.60

PICK UP

DATE OF PROCEEDINGS 7/29/2008 TO 7/29/2008
NIGHT
GOVERNMENT ONLY

(Use continuation sheets if necessary)

(Payee must NOT use the space below)

TOTAL

2,184.84

PAYMENT:
 PROVISIONAL
 COMPLETE
 PARTIAL
 FINAL
 PROGRESS
 ADVANCE

APPROVED FOR

=\$ 2,184.84

EXCHANGE RATE

=\$1.00

DIFFERENCES

BY²

AUSA

John Clopper

Amount verified; correct for

(Signature or initials)

Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment.

(Date)

(Authorized Certifying Officer)¹

(Title)

ACCOUNTING CLASSIFICATION

A1540322
IE4054
251D

2,184.84

CHECK NUMBER	ON ACCOUNT OF U.S. TREASURY	CHECK NUMBER	ON (Name of bank)
CASH	DATE	PAYEE ³	PER
\$			

¹ When dated in foreign currency, insert name of currency.² If the ability to certify and authority to approve are combined in one person, one signature only is necessary; otherwise the certifying officer will sign in the space provided, over his official title.³ A voucher is received in the name of a company or corporation, the name of the person writing the company or corporate, as well as the capacity in which he signs, must appear. For example: "John Doe Company, per John Smith, Secretary" or "Insured", as the case may be.

Previous edition usable

NSN 7540-00-900-2234

PRIVACY ACT STATEMENT

The information requested on this form is required under the provisions of 31 U.S.C. 82b and 82c, for the purpose of disbursing Federal money. The information requested is to identify the particular creditor and the amounts to be paid. Failure to furnish this information will hinder discharge of the payment obligation.

Standard Form 1034 Revised October 1987 Department of the Treasury 17 CFR 4.2000 100-1.21		PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL			VOUCHER NO.	
U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION UNITED STATE ATTORNEY DEPARTMENT OF JUSTICE NEW YORK, NY 10007		DATE VOUCHER PREPARED 08/04/2008		SCHEDULE NO.		
		CONTRACT NUMBER AND DATE 0109269-IN		PAID BY		
		REQUISITION NUMBER AND DATE				
PAYEE'S NAME AND ADDRESS ID# 13-2775948 SOUTHERN DISTRICT REPORTERS, P.C. 500 PEARL STREET NEW YORK, NY 10007				DATE INVOICE RECEIVED		
				DISCOUNT TERMS		
				PAYEE'S ACCOUNT NUMBER		
	ORDER # 73695	CASE # 07CV04048				
SHIPPED FROM		TO	WEIGHT	GOVERNMENT B/L NUMBER		
NUMBER AND DATE OF ORDER	DATE OF DELIVERY OR SERVICE	ARTICLES OR SERVICES (Enter description, item number or contract or Federal supply schedule, and other information deemed necessary)	QUAN-TITY	UNIT PRICE		AMOUNT (¹)
				COST	PER	
		YEMISI AKINYEMI V MICHAEL CHERTOFF, SECY Original MJNU	191 191	7.98 1.20	PGES PGES	1,524.18 229.20
PICK UP		DATE OF PROCEEDINGS 7/30/2008 TO 7/30/2008 NIGHT				
(Use continuation sheets if necessary)		GOVERNMENT ONLY (Payee must NOT use the space below)		TOTAL		
PAYMENT: <input type="checkbox"/> PROVISIONAL <input type="checkbox"/> COMPLETE <input type="checkbox"/> PARTIAL <input type="checkbox"/> FINAL <input type="checkbox"/> PROGRESS <input type="checkbox"/> ADVANCE	APPROVED FOR =\$ 1,753.38		EXCHANGE RATE =\$1.00	DIFFERENCES		1,753.38
	BY ² AUSA					
	TITLE John Clopper			Amount verified; correct for (Signature or initals)		
	Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment.					
(Date)		(Authorized Certifying Officer) ³		(Title)		
ACCOUNTING CLASSIFICATION						
A1540322 IE4054 2510 1,753.38						
CHECK NUMBER		ON ACCOUNT OF U.S. TREASURY		CHECK NUMBER	ON (Name of bank)	
CASH \$		DATE		PAYEE ⁴		
¹ When drawn in foreign currency, insert name of currency.				PER		
² If the ability to certify and authority to approve are combined in one position, one signature only is necessary; otherwise the certifying officer will sign in the space provided, over his official title.				TITLE		
³ A voucher is received in the name of a company or corporation, the name of the person writing the company or corporate name, as well as the capacity in which he signs, may appear. For example: "John Doe Company, per John Smith, Secretary" or "Master", as the case may be.						
Previous edition usable						

NSN 7540-00-900-2234

PRIVACY ACT STATEMENT

The information requested on this form is required under the provisions of 31 U.S.C. 826 and 826c, for the purpose of disbursing Federal money. This information is requested to identify the particular creditor and the amounts to be paid. Failure to furnish this information will hinder discharge of the payment obligation.

Standard Form 1034 Revised October 1987 Department of the Treasury 17 CFR 4.7-1000 1034-121		PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL			VOUCHER NO.	
U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION UNITED STATES ATTORNEY DEPARTMENT OF JUSTICE NEW YORK, NY 10007		DATE VOUCHER PREPARED 08/04/2008		SCHEDULE NO.		
		CONTRACT NUMBER AND DATE 0109270-IN		PAID BY		
		REQUISITION NUMBER AND DATE				
PAYEE'S NAME AND ADDRESS ID# 13-2775948 SOUTHERN DISTRICT REPORTERS, P.C. 500 PEARL STREET NEW YORK, NY 10007					DATE INVOICE RECEIVED	
					DISCOUNT TERMS	
					PAYEE'S ACCOUNT NUMBER	
	ORDER # 73696	CASE # 07CV04048				
SHIPPED FROM		TO	WEIGHT			
NUMBER AND DATE OF ORDER	DATE OF DELIVERY OR SERVICE	ARTICLES OR SERVICES (Enter description, item number or contract or Federal supply schedule, and other information deemed necessary)	QUAN-TITY	UNIT PRICE		AMOUNT
				COST	PER	
		YEMISI AKINYEMI V MICHAEL CHERTOFF, SECY Original MINU	91 91	7.98 1.20	PGES PGES	726.18 109.20
PICK UP		DATE OF PROCEEDINGS 7/31/2008 TO 7/31/2008 NIGHT GOVERNMENT ONLY				TOTAL
(Use continuation sheets if necessary) (Payee must NOT use the space below)						
PAYMENT: <input type="checkbox"/> PROVISIONAL <input type="checkbox"/> COMPLETE <input type="checkbox"/> PARTIAL <input type="checkbox"/> FINAL <input type="checkbox"/> PROGRESS <input type="checkbox"/> ADVANCE	APPROVED FOR		EXCHANGE RATE	DIFFERENCES		835.38
	\$ 835.38		=\$1.00			
	BY ¹ AUSA					
	TITLE John Clopper			Amount verified; correct for (Signature or initials)		
Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment.						
(Date)	(Authorized Certifying Officer) ²			(Title)		
ACCOUNTING CLASSIFICATION						
A1540322 IE4054 2510		835.38				
CHECK NUMBER		ON ACCOUNT OF U.S. TREASURY		CHECK NUMBER	ON (Name of bank)	
CASH		DATE		PAYEE ³	PER	
3					TITLE	

¹ When stated in foreign currency, insert name of currency.² If the ability to certify and authority to approve are combined in one person, one signature only is necessary; otherwise the certifying officer will sign in the space provided, over his official title.³ Voucher is prepared in the name of a company or corporation, the name of the person writing the company or corporation, as well as the capacity in which he signs, must appear. For example: "John Doe Company, per John Smith, Secretary" or "Doe", in the case may be.

Previous edition usable

PRIVACY ACT STATEMENT

The information requested on this form is required under the provisions of 31 U.S.C. 82b and 82c, for the purpose of disbursing Federal money. The information requested is to identify the particular creditor and the amounts to be paid. Failure to furnish this information will hinder discharge of the payment obligation.

ATTACHMENT B

Ralph Fink & Associates, Inc.
 39 West 37th Street
 6th Floor
 New York, NY 10018
 (212) 869-1500 Fax (877) 329-3465

Carmen Sepulveda
 United States Attorney's Office
 Budget-Fiscal Office
 86 Chambers Street - 3rd Floor
 New York, NY 10007

I N V O I C E

INVOICE NO.	DATE	JOB NUMBER
99260	09/24/2007	03-56889
JOB DATE	REPORTER(S)	CASE NUMBER
09/12/2007	DIBEDE	5863
CASE CAPTION		
Akinyemi vs. US		
TERMS		
Net 30		

Original and 2 Copies of:

Yemisi Akinyemi
 Ascii disk (s)
 Minuscript (s)
 Exhibit Binder (s)
 Exhibit Tabs
 Photocopying Exhibits

161 Pages @	6.15/Page	990.15
		25.00
		25.00
3.00	@	4.75
15.00	@	.37
68.00 Pages @	.42/Page	5.55
		28.56
TOTAL DUE >>>		1,088.51

John D. Clopper, Esq.

TAX ID NO.: 13-2656827

(212) 637-2767

Please detach bottom portion and return with payment.

Job No. : 03-56889
 Case No. : 5863
 Akinyemi vs. US
 Invoice No.: 99260
 Date : 09/24/2007
 TOTAL DUE : 1,088.51

PAYMENT WITH CREDIT CARD

Card Holder's Name:

VISA/MC/AmExp #:

Amount to Charge:

Exp. Date: Phone #:

Cardholder's Signature:

Remit To: Ralph Fink & Associates, Inc.
 39 West 37th Street
 6th Floor
 New York, NY 10018

ATTACHMENT C

Ralph Fink & Associates, Inc.
39 West 37th Street
6th Floor
New York, NY 10018
(212) 869-1500 Fax (877) 329-3465

Carmen Sepulveda
United States Attorney's Office
Budget-Fiscal Office
86 Chambers Street - 3rd Floor
New York, NY 10007

I N V O I C E

INVOICE NO.	DATE	JOB NUMBER
100149	11/26/2007	03-57644
JOB DATE	REPORTER(S)	CASE NUMBER
11/16/2007	SANTEL	5863

CASE CAPTION

Akinyemi vs. US

TERMS

Net 30

Original and 2 Copies of:
Bishop Joseph A. Adedetji

37 Pages @ 6.15/Page 227.55

Original and 2 Copies of:
Akintunde Olubukola Seweje Akinyemi
Ascii disk (s)
Minuscript (s)

55 Pages @ 6.15/Page 338.25
2.00 Disks @ 25.00/Disk 50.00
2.00 @ 25.00 50.00

TOTAL DUE >>>	665.80
---------------	--------

John D. Clopper, Esq.

TAX ID NO.: 13-2656827

(212) 637-2767

Please detach bottom portion and return with payment.

Job No. : 03-57644
Case No. : 5863
Akinyemi vs. US
Invoice No.: 100149
Date : 11/26/2007
TOTAL DUE : 665.80

Carmen Sepulveda
United States Attorney's Office
Budget-Fiscal Office
86 Chambers Street - 3rd Floor
New York, NY 10007

PAYMENT WITH CREDIT CARD

Card Holder's Name:

VISA/MC/AmExp #:

Amount to Charge:

Exp. Date: Phone #:

Cardholder's Signature:

Remit To: Ralph Fink & Associates, Inc.
39 West 37th Street
6th Floor
New York, NY 10018

ATTACHMENT D

Gibson, Nenjae (USANYS)

From: Jeanette Erickson [jerickson@finkandcarney.com]
Sent: Wednesday, August 13, 2008 4:55 PM
To: Gibson, Nenjae (USANYS)
Subject: Rates

To Whom It May Concern: The cost of an Original and one copy of a deposition transcript is the same as the cost of an Original and two copies.

Jeanette Erickson
Administrator